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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/903,945	07/12/2001	Tsukasa Takahashi	33798	1977

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EXAMINER

AMINZAY, SHAIMA Q

ART UNIT

PAPER NUMBER

2684

DATE MAILED: 08/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/903,945

Applicant(s)

TAKAHASHI ET AL.

Examiner

Shaima Q. Aminzay

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2684

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 July 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on June 3, 2005, has been entered.

Response to Arguments

1. Arguments with respect to claims 1-10 are **moot** in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1 and 6 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to

reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

In independent claims 1 and 6, line 4, "acute angle" is not supported in the specification.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action

(a) Patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made

4. Claims 1-3, 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Martensson (Martensson, UK Patent Application No. GB 2,330,979) in view of Holshouser (Holshouser et al., U.S. Patent 6,249,688).

Regarding claim 1, Martensson teaches of a portable radio device having an antenna (Figure 1), comprising: a first case connected to the antenna such that the antenna diverges from the longitudinal direction of the case (see for example, Figure 1 and page 5, lines 1 – 4, Figure 1 shows the first case connection to the antenna and the direction of the antenna diverges in an angle from the direction of the case); and a second case which is connected to the first case and is made

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of metal or a material including metal (see for example, Figure 1 and page 5, lines 1 – 4 and page 5, lines 8 –14, page 4, lines 6-13), wherein the second case is located on the side surface of the antenna when the portable radio device is used (see for example, Figure 1 and page 5, lines 11 –14).

Martensson does not specifically teach the antenna's divergence at an acute angle.

In related art with portable foldable telephone (see for example, column 1, lines 6-9), Holshouser teaches the antenna diverges from the longitudinal direction of the case at an acute (see for example, Figure 2, column 4, lines 28-52, the antenna (20) connected to the case (11) such that diverges from the longitudinal direction of the case (11) at an acute angle (less than 90 degrees)).

It would have been obvious to one skilled in the art at the time of invention to have included into Martensson's first case of the portable device, Holshouser's antenna that diverges from the case with an acute angle to provide a portable radio device with an increase signal gain and improve signal quality (Holshouser, column 1, lines 16-19, and lines 56-59).

Regarding claim 6, Martensson teaches of a portable radio device having an antenna (Figure 1 and page 5, lines 1 –4), comprising: a first case connected to the antenna such that the antenna diverges from the longitudinal direction of the case (see for example, Figure 1 and page 5, lines 1 – 4, Figure 1 shows the first case connection to the antenna and the direction of the antenna diverges in an

angle from the direction of the case); and a second case which is connected to the first case, and is made of metal or a material including metal (see for example, Figure 1 and page 5, lines 1 – 4 and page 5, lines 8 –14, page 4, lines 6-13), wherein the second case is located between the antenna and a user when the portable radio device is used (see for example, Figure 1 and page 5, lines 11 –14).

Martensson does not specifically teach the antenna's divergence at an acute angle.

In related art with portable foldable telephone (see for example, column 1, lines 6-9), Holshouser teaches the antenna diverges from the longitudinal direction of the case at an acute (see for example, Figure 2, column 4, lines 28-52, the antenna (20) connected to the case (11) such that diverges from the longitudinal direction of the case (11) at an acute angle (less than 90 degrees)).

It would have been obvious to one skilled in the art at the time of invention to have included into Martensson's first case of the portable device, Holshouser's antenna that diverges from the case with an acute angle to provide a portable radio device with an increase signal gain and improve signal quality (Holshouser, column 1, lines 16-19, and lines 56-59).

Regarding claims 2 and 7, Martensson in view of Holshouser teach all the claimed limitations as recited in claim 1 and 6. Martensson teaches of further comprising a hinge portion for rotatably connecting the first and second cases to

each other (page 5, lines 8–10 and page 5, lines 16 – 19), wherein the first and second cases rotate about the hinge portion and stop at a predetermined angle that is smaller than 180 degrees when the portable radio device is used (Figure 1 and page 5, lines 16 – 20).

Regarding claims 3 and 8, Martensson in view of Holshouser teach all the claimed limitations as recited in claims 2 and 7. Martensson further teaches of wherein the first case is a main body case in which a main substrate of a portable radio device is housed (Figure 1 and page 5, lines 1 –6), and the second case is a cover case of the main body case (Figure 1 and page 5, lines 11 – 14).

5. Claims 4-5, and 9-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Martensson (Martensson, UK Patent Application No. GB 2,330,979) in view of Holshouser (Holshouser et al., U.S. Patent 6,249,688), and in view of Tran (Tran, US Patent No. 6,215,454).

Regarding claims 4 and 9, Martensson in view of Holshouser teach all the claimed limitations as recited in claims 1 and 6. Martensson in view of Holshouser do not teach of wherein the second case includes a receiver portion that outputs sound.

In a related art dealing with antenna shielding in mobile communications devices, Tran teaches of wherein the second case includes a receiver portion

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that outputs sound (Figures 1B and 2A and column 7, lines 1 – 7 and column 6, lines 44 –51).

It would have been obvious to one skilled in the art at the time of invention to have included into Martensson and Holshousers' folding cover, Tran's speaker, for the purposes better ergonomics design, as taught by Tran.

Regarding claims 5 and 10, Martensson in view of Holshouser teach all the claimed limitations as recited in claims 1 and 6. Martensson in view of Holshouser do not specifically teach of wherein the antenna includes a whip antenna that can be pulled out.

In a related art dealing with antenna shielding in mobile communications devices, Tran teaches of wherein the antenna includes a whip antenna that can be pulled out (Figures 1B and 2A and column 6, lines 57 –68).

It would have been obvious to one skilled in the art at the time of invention to have included into Martensson and Holshousers' folding cover antenna system, Tran's retractable antenna and shielding system, for the purposes of creating a compact antenna structure that posses the desired radiation characteristics that is able to be mounted on a wireless device and further providing some shielding when an antenna is not extended, as taught by Tran.

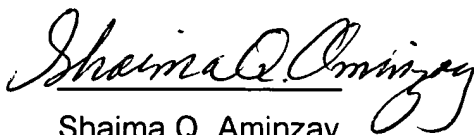
Conclusion

The prior art made of record considered pertinent to applicant's disclosure, see PTO-892 form.

Inquiry

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shaima Q. Aminzay whose telephone number is 703-305-8723. The examiner can normally be reached on 7:00 AM -5:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on 571-272-7882. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Shaima Q. Aminzay
(Examiner)

July 25, 2005


NAY MAUNG
SUPERVISORY PATENT EXAMINER

Nay Maung
(SPE)

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